

**REMARKS**

Claims 1-20 are pending in this application.

Claims 1-20 have been rejected.

No claims have been allowed.

Claim 1 has been cancelled.

Claims 2, 5, 8, 9, 11, and 13-18 have been amended.

Claims 2-20 remain pending in this application.

Reconsideration of the Claims 2-20, as amended, is respectfully requested.

**Amendments to the Specification**

The Applicants have amended portions of the specification to correct typographical errors and to insert an omitted reference numeral 303 for the USB Host Controller. The omitted reference numeral 303 is shown in the drawings and is mentioned in the text of the specification. Therefore, no new matter has been added by the amendment of the specification.

**Amendments to the Claims**

The Applicants have amended certain claims of the patent application in order to more particularly claim the Applicants' invention.

**35 U.S.C. § 102(e) Anticipation**

On Page 2 of the March 24, 2005 Office Action, the Examiner rejected Claims 1-2 under 35 U.S.C. § 102(e) as being unpatentable over United States Patent No. 6,161,182 to Paul B. Rawlins (hereafter "*Rawlins*"). In response, the Applicants have cancelled Claim 1 and have amended Claim 2.

A prior art reference anticipates the claimed invention under 35 U.S.C. §102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP §2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. MPEP §2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Claim 1 has been cancelled without prejudice. Claim 2 has been amended to a claim an apparatus that comprises a secure USB domain device that is coupled to an external host computer, wherein the secure USB domain device comprises elements that are not accessible by the external host computer.

The southbridge 26 of *Rawlins* comprises a PCI Interface Unit 28 and a USB Host Controller 30. The Examiner stated that the computer system of *Rawlins* (i.e., processor 12, system memory 18, northbridge 14) represents the external host computer. (March 24, 2005 Office Action, Page 2, Line 24). The processor 12 of the external host computer can access information that is stored within USB Host Controller 30 in response to a system management interrupt (SMI) signal that the USB Host Controller 30 sends to processor 12. The processor 12

then switches to a separate operating environment contained within a system management random access memory (SMRAM). The SMRAM contains SMI handler code. The SMI handler code (under the control of processor 12) transfers information from the USB Host Controller 30 to a specified location within system memory 18. Therefore, the external host computer of *Rawlins* is capable of accessing the information in USB Host Controller 30.

The secure USB domain device 300 of the Applicants' invention comprises (1) a USB memory device that is not accessible by the host computer, and (2) a USB processor that is not accessible by the host computer, and (3) a USB host controller that is not accessible by the host computer, and (4) an internal USB bus that couples the USB memory device, the USB processor, and the USB host controller. As described in the specification, the elements of the Applicants' secure USB domain device are not accessible by an external host computer.

The Applicants respectfully submit that *Rawlins* does not teach or suggest the elements of the Applicants' invention as recited in amended Claim 2. Therefore, the Applicants respectfully submit that the rejection of Claim 2, as amended, under 35 U.S.C. § 102(e) has been overcome. Accordingly, the Applicants respectfully request withdrawal of the rejection and full allowance of amended Claim 2.

**35 U.S.C. § 103(a) Obviousness**

On Page 3 of the March 24, 2005 Office Action, the Examiner rejected Claims 3-4 under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,161,182 to Paul B. Rawlins (hereafter "*Rawlins*").

On Page 4 of the March 24, 2005 Office Action, the Examiner rejected Claims 5-6 under 35 U.S.C. § 103(a) as being unpatentable over *Rawlins* in view of United States Patent No. 5,799,196 to Michael R. Flannery (hereafter "*Flannery*").

On Page 5 of the March 24, 2005 Office Action, the Examiner rejected Claim 7 under 35 U.S.C. § 103(a) as being unpatentable over *Rawlins* in view of *Flannery* and further in view of United States Patent Application Serial No. 2002/0141418 A1 to Avnor Ben-Dor et al. (hereafter "*Ben-Dor*").

On Pages 5-8 of the March 24, 2005 Office Action, the Examiner rejected Claims 8-11, 13-15 and 19 under 35 U.S.C. § 103(a) as being unpatentable over *Flannery* in view of *Rawlins*.

On Pages 9-10 of the March 24, 2005 Office Action, the Examiner rejected Claim 12 and Claim 20 under 35 U.S.C. § 103(a) as being unpatentable over *Flannery* in view of *Rawlins* and further in view of *Ben-Dor*.

On Pages 10-13 of the March 24, 2005 Office Action, the Examiner also rejected Claims 16-18 under 35 U.S.C. § 103(a) as being unpatentable over *Flannery* in view of *Rawlins* and further in view of United States Patent Application Serial No. 2002/0144115 A1 to Steven Lemay et al. (hereafter "*Lemay*").

The Applicants respectfully traverse the Examiner's position that the Applicants' invention is obvious in view of the cited prior art references. The Applicants respectfully request the Examiner to withdraw the rejection of Claims 3-20 in view of the following arguments.

During *ex parte* examinations of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of non-obviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of

ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not be based on an applicant's disclosure. MPEP § 2142.

For the reasons set forth below the Applicants respectfully submit that the Patent Office has not established a *prima facie* case of obviousness with respect to Claims 3-20 of the Applicants' invention. In rejecting Claim 3 the Examiner stated:

With respect to Claim 3, the limitation of "a USB memory device that is not accessible by said host computer" is met on column 3, lines 12-18 and on column 1, lines 21-30; and "a USB processor that is not accessible by said host computer" is met on column 3, lines 3-11; and "a USB host controller that is not accessible by said host computer" is met on column 3, lines 26-40, and column 2, lines 20-31; and "an internal USB bust that couples said USB memory device, said USB processor, and said USB host controller" is met on Fig.1. The system memory represents the USB memory device and the processor represents the USB processor. (March 24, 2005 Office Action, Page 3, Lines 11-17).

The Applicants respectfully traverse these assertions of the Examiner. First, the Applicants respectfully traverse the assertion that the *Rawlins* reference shows "a USB memory device that is not accessible by said host computer" within a secure USB domain device that is coupled to an external host computer. Second, the Applicants respectfully traverse the assertion that the *Rawlins* reference shows "a USB processor that is not accessible by said host computer" within a secure USB domain device that is coupled to an external host computer. Third, the Applicants respectfully traverse the assertion that the *Rawlins* reference shows "a USB host controller that is not accessible by said host computer" within a secure USB domain device that is coupled to an

external host computer. Fourth, the Applicants respectfully traverse the assertion that “an internal USB bus that couples said USB memory device, said USB processor, and said USB host controller” is met on Figure 1.

The Applicants also respectfully traverse the assertion that “the system memory represents the USB memory device.” The system memory is system memory 18. It is clear that system memory 18 is located within the external host computer. The Applicants also respectfully traverse the assertion that “the processor represents the USB processor.” The processor is processor 12. It is clear that processor 12 is located within the external host computer.

The Applicants respectfully traverse the assertion that “an internal USB bus that couples said USB memory device, said USB processor, and said USB host controller” is met on Figure 1. The USB bus that is shown in Figure 1 couples USB devices 32 (including USB keyboard 32a) to USB Host Controller 30. It is clear that the USB bus that is shown in Figure 1 does not couple the USB memory device 302, the USB processor 301, and the USB host controller 303 within the secure USB Bridge 300 of the Applicants’ invention.

The Examiner also stated “It would have been obvious to one of ordinary skill in the art to have the USB Memory device, processor and host controller inaccessible to the host computer so as to prevent unauthorized access to data by a malicious computer user.” (March 24, 2005 Office Action, Page 3, Lines 22-24). The Examiner has previously identified the USB Memory device with the system memory 12 (which is a part of the host computer). In addition, the processor 12 is also clearly a part of the host computer. That is, the USB Memory device 18 and the processor 12 are inherently accessible by the host computer because they are elements of the host

computer. The Applicants respectfully traverse the assertions of the Examiner with respect to the alleged obviousness of the Applicants' secure USB domain device.

With respect to Claim 4, the Examiner stated that the limitation of "a USB node coupled to said USB bus, said USB node capable of being coupled to a USB tree" is met on Fig. 1. The USB device represents the USB node." (March 24, 2005 Office Action, Page 4, Lines 1-3). The Applicants respectfully traverse this assertion of the Examiner. The *Rawlins* reference does not disclose an internal USB bus 305 and does not disclose a USB node 310 coupled to the internal USB bus 305. There is no structure in *Rawlins* that is analogous to the USB node 310 described and claimed by the Applicants.

The *Rawlins* reference does not teach, suggest, or even hint at the Applicants' invention as set forth in Claims 3-4. MPEP § 2142 indicates that a prior art reference (or references when two or more references are combined) must teach or suggest all the claim limitations of the invention. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not be based on an applicant's disclosure. In the present case, the *Rawlins* reference does not teach or suggest all the claim limitations of the Applicants' invention. Therefore, the Applicants respectfully submit that the rejection of Claim 3 and Claim 4 under 35 U.S.C. § 103(a) has been overcome.

On Page 4 of the March 24, 2005 Office Action, the Examiner rejected Claims 5-6 under 35 U.S.C. § 103(a) as being unpatentable over *Rawlins* in view of *Flannery*. The Applicants respectfully traverse the Examiner's position that the Applicants' invention is obvious in view of the *Rawlins* reference and the *Flannery* reference. The Applicants hereby



incorporate by reference all of the remarks previously made concerning the deficiencies of the *Rawlins* reference in connection with the Applicants' arguments against the claim rejections discussed above.

The Examiner stated that "With respect to Claim 5, all the limitations are met by *Rawlins* except for the following limitation. The limitation of 'wherein said apparatus comprises a secure USB domain device embedded within a host computer' is met by *Flannery* on column 2, lines 12-14, 18-22. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of *Flannery* within the system of *Rawlins* because an embedded USB domain device creates a hierarchical topology that enhances the scalability of the computer system. Hence more hosts and/or peripheral devices can be connected to the root host to achieve greater efficiency." (March 24, 2005 Office Action, Page 4, Lines 6-14).

The Applicants respectfully traverse these assertions of the Examiner. For the reasons previously set forth, the Applicants respectfully traverse that all of the limitation are met by *Rawlins* except for the limitation of embedding a secure USB domain device within a host computer. The Applicants have already identified and discussed the deficiencies of the *Rawlins* reference. These deficiencies are not corrected or supplied by any elements within the *Flannery* reference.

With respect to the Examiner's arguments against Claim 6, the Applicants have previously addressed and respectfully traversed the Examiner's assertions concerning the elements of the *Rawlins* reference. The Applicants hereby repeat and reassert those arguments specifically against the rejection of Claim 6.

Further, the supposed motivation to create “a hierarchical topology” is very general and does not specifically suggest combining the teachings of the *Rawlins* reference with the teachings of the *Flannery* reference. There must be some suggestion or motivation, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. The desire to obtain “a hierarchical topology” is too general and vague to provide the legally requisite motivation to modify a reference or to combine reference teachings.

The Applicants respectfully submit that one skilled in the art would not attempt to combine the apparatus and method of *Rawlins* with the apparatus and method of *Flannery*. The Applicants submit that a combination of the *Rawlins* apparatus and the *Flannery* apparatus would be unworkable. For this reason there would be no suggestion or motivation to combine the teachings of the *Rawlins* reference with the teachings of the *Flannery* reference.

Even if the *Rawlins* reference could somehow be combined with the *Flannery* reference, the combination would not teach, suggest, or even hint at the Applicants’ invention as set forth in Claims 5-6. MPEP § 2142 indicates that a prior art reference (or references when two or more references are combined) must teach or suggest all the claim limitations of the invention. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not be based on an applicant’s disclosure. In the present case, the *Rawlins* reference and the *Flannery* reference in combination would not teach or suggest all the claim limitations of the Applicants’ invention. Therefore, the Applicants

respectfully submit that the rejection of Claim 5 and Claim 6 under 35 U.S.C. § 103(a) has been overcome.

On Page 5 of the March 24, 2005 Office Action, the Examiner rejected Claim 7 under 35 U.S.C. § 103(a) as being unpatentable over *Rawlins* in view of *Flannery* and further in view of *Ben-Dor*. The Applicants respectfully traverse these assertions of the Examiner.

The Examiner stated that “With respect to Claim 7, all the limitations are met by *Rawlins* and *Flannery* except for the following limitation. The limitation of ‘virtual conduit interface coupled to said secure USB domain device and coupled to at least one non-USB device, said virtual conduit interface capable of providing a secure USB channel for transferring information to said at least one non-USB device’ is met by *Ben-Dor et al* on paragraph 73. The virtual USB host controller represents the virtual conduit interface (VIC). Tunneling is a secure form of communication between two parties and hence a secure channel is created for transferring information to a non-USB hardware. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of *Ben-Dor et al* with the combination of *Rawlins* and *Flannery* so as to allow for the USB controller to interface with non-USB hardware.” (March 24, 2005 Office Action, Page 5, Lines 3-13).

The Applicants respectfully traverse these assertions of the Examiner. For the reasons previously set forth, the Applicants respectfully traverse that all of the limitations are met by a combination of *Rawlins* and *Flannery* except for the limitation of coupling a virtual conduit interface to the secure USB domain device within a host computer. The Applicants have already identified and discussed the deficiencies of the combination of the *Rawlins* reference and the

*Flannery* reference. These deficiencies are not corrected or supplied by any elements within the *Ben-Dor* reference.

Further, the supposed motivation to allow “the USB controller to interface with non-USB hardware” is very general and does not specifically suggest combining the teachings of the *Ben-Dor* reference with the teachings of the *Rawlins* reference or the teachings of the *Flannery* reference. There must be some suggestion or motivation, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. The desire to obtain “a non-USB hardware interface” is too general and vague to provide the legally requisite motivation to modify a reference or to combine reference teachings.

The Applicants respectfully submit that one skilled in the art would not attempt to combine the apparatus and method of *Ben-Dor* with the combination of *Rawlins* and *Flannery*. The Applicants submit that a combination of the *Rawlins* apparatus and the *Flannery* apparatus and the *Ben-Dor* apparatus would be unworkable. For this reason there would be no suggestion or motivation to combine the teachings of the *Ben-Dor* reference with a combination of the *Rawlins* reference and the *Flannery* reference.

Even if the *Ben-Dor* reference could somehow be combined with the combination of the *Rawlins* reference and the *Flannery* reference, the combination would not teach, suggest, or even hint at the Applicants’ invention as set forth in Claim 7. MPEP § 2142 indicates that a prior art reference (or references when two or more references are combined) must teach or suggest all the claim limitations of the invention. The teaching or suggestion to make the claimed invention

and the reasonable expectation of success must both be found in the prior art, and not be based on an applicant's disclosure. In the present case, the *Ben-Dor* reference and the *Rawlins* reference and the *Flannery* reference in combination would not teach or suggest all the claim limitations of the Applicants' invention. Therefore, the Applicants respectfully submit that the rejection of Claim 7 under 35 U.S.C. § 103(a) has been overcome.

On Pages 5-8 of the March 24, 2005 Office Action, the Examiner also rejected Claims 8-11, 13-15 and 19 under 35 U.S.C. § 103(a) as being unpatentable over *Flannery* in view of *Rawlins*. On Pages 9-10 of the March 24, 2005 Office Action, the Examiner rejected Claim 12 and Claim 20 under 35 U.S.C. § 103(a) as being unpatentable over *Flannery* in view of *Rawlins* and further in view of *Ben-Dor*.

The Applicants respectfully traverse the Examiner's position that the Applicants' invention is obvious in view of the *Ben-Dor* reference and the *Rawlins* reference and the *Flannery* reference. The Applicants hereby incorporate by reference all of the remarks previously made concerning the deficiencies of the *Ben-Dor* reference and the *Rawlins* reference and the *Flannery* reference in connection with the Applicants' arguments against the claim rejections discussed above.

With respect to Claim 8, the Examiner stated that the *Flannery* reference meets the limitation of an apparatus for providing a secure universal serial bus (USB) except that *Flannery* does not meet the limitation of "a secure USB domain device." The Examiner asserted that the limitation of "a secure USB domain device" is met by the *Rawlins* reference. The Examiner stated "It would have been obvious to one of ordinary skill in the art at the time of the invention

to combine the teachings of Rawlins within the system of Flannery because a secure USB domain device capable of blocking outgoing flows of confidential data will prevent secret information from leaking to an outsider who may potentially sabotage the confidentiality of that information.” (March 24, 2005 Office Action, Page 6, Lines 11-15).

The Applicants respectfully traverse these assertions of the Examiner. For the reasons previously set forth, the Applicants respectfully traverse that all of the limitations of Claim 8 are met by a combination of *Rawlins* and *Flannery*. The Applicants have already identified and discussed the deficiencies of the combination of the *Rawlins* reference and the *Flannery* reference.

Further, the supposed motivation to prevent “secret information from leaking” is very general and does not specifically suggest combining the teachings of the *Rawlins* reference with the teachings of the *Flannery* reference. There must be some suggestion or motivation, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. The desire to prevent “secret information from leaking” is too general and vague to provide the legally requisite motivation to modify a reference or to combine reference teachings.

Even if the *Rawlins* reference could somehow be combined with the *Flannery* reference, the combination would not teach, suggest, or even hint at the Applicants’ invention as set forth in Claim 8. MPEP § 2142 indicates that a prior art reference (or references when two or more references are combined) must teach or suggest all the claim limitations of the invention. The teaching or suggestion to make the claimed invention and the reasonable expectation of

success must both be found in the prior art, and not be based on an applicant's disclosure. In the present case, the *Rawlins* reference and the *Flannery* reference in combination would not teach or suggest all the claim limitations of the Applicants' invention. Therefore, the Applicants respectfully submit that the rejection of Claim 8 under 35 U.S.C. § 103(a) has been overcome.

Claims 9-15 and Claim 19 each contain the unique and patentable subject matter that is contained in Claim 8. For the reasons set forth above, the Applicants respectfully submit that the supposed motivations to combine the *Rawlins* reference and the *Flannery* reference are legally insufficient to support combining the references. In addition, the *Rawlins* reference and the *Flannery* reference in combination would not teach or suggest all the claim limitations of the Applicants' invention. Therefore, the Applicants respectfully submit that the rejections of Claims 9-15 and Claim 19 under 35 U.S.C. § 103(a) have been overcome.

On Pages 9-10 of the March 24, 2005 Office Action, the Examiner rejected Claim 12 and Claim 20 under 35 U.S.C. § 103(a) as being unpatentable over *Flannery* in view of *Rawlins* and further in view of *Ben-Dor*. The Applicants respectfully traverse the Examiner's position that the Applicants' invention is obvious in view of the *Ben-Dor* reference and the *Rawlins* reference and the *Flannery* reference. The Applicants hereby incorporate by reference all of the remarks previously made concerning the deficiencies of the *Ben-Dor* reference and the *Rawlins* reference and the *Flannery* reference in connection with the Applicants' arguments against the claim rejections discussed above.

With respect to Claim 12 and to Claim 20, the Examiner stated that the combination of the *Rawlins* reference and the *Flannery* reference meets the limitation of the claimed apparatus

for providing a secure universal serial bus (USB) except that the combination of *Rawlings* and *Flannery* does not meet the limitation of “a virtual conduit interface.” The Examiner asserted that the limitation of “a virtual conduit interface” is met by the *Ben-Dor* reference. The Examiner stated “It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Ben-Dor et al. with the combination of Flannery and Rawlins so as to allow for the USB controller to interface with non-USB hardware.” (March 24, 2005 Office Action, Page 10, Lines 10-12).

The Applicants respectfully traverse these assertions of the Examiner. For the reasons previously set forth, the Applicants respectfully traverse that all of the limitations of Claim 12 and Claim 20 are met by a combination of *Rawlins* and *Flannery*. The Applicants have already identified and discussed the deficiencies of the combination of the *Rawlins* reference and the *Flannery* reference. These deficiencies are not corrected or supplied by any elements within the *Ben-Dor* reference.

The supposed motivation to allow “the USB controller to interface with non-USB hardware” is very general and does not specifically suggest combining the teachings of the *Ben-Dor* reference with the teachings of the *Rawlins* reference or the teachings of the *Flannery* reference. There must be some suggestion or motivation, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. The desire to obtain “a non-USB hardware interface” is too general and vague to provide the legally requisite motivation to modify a reference or to combine reference teachings.



The Applicants respectfully submit that one skilled in the art would not attempt to combine the apparatus and method of *Ben-Dor* with the combination of *Rawlins* and *Flannery*. The Applicants submit that a combination of the *Rawlins* apparatus and the *Flannery* apparatus and the *Ben-Dor* apparatus would be unworkable. For this reason there would be no suggestion or motivation to combine the teachings of the *Ben-Dor* reference with a combination of the *Rawlins* reference and the *Flannery* reference.

Even if the *Ben-Dor* reference could somehow be combined with the combination of the *Rawlins* reference and the *Flannery* reference, the combination would not teach, suggest, or even hint at the Applicants' invention as set forth in Claim 12 or Claim 20. MPEP § 2142 indicates that a prior art reference (or references when two or more references are combined) must teach or suggest all the claim limitations of the invention. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not be based on an applicant's disclosure. In the present case, the *Ben-Dor* reference and the *Rawlins* reference and the *Flannery* reference in combination would not teach or suggest all the claim limitations of the Applicants' invention. Therefore, the Applicants respectfully submit that the rejection of Claim 12 and Claim 20 under 35 U.S.C. § 103(a) has been overcome.

On Pages 10-13 of the March 24, 2005 Office Action, the Examiner also rejected Claims 16-18 under 35 U.S.C. § 103(a) as being unpatentable over *Flannery* in view of *Rawlins* and further in view of *Lemay*. The Applicants respectfully traverse the Examiner's position that the Applicants' invention is obvious in view of the *Rawlins* reference and the *Flannery* reference and the *Lemay* reference. The Applicants hereby incorporate by reference all of the remarks

previously made concerning the deficiencies of the *Rawlins* reference and the *Flannery* reference in connection with the Applicants' arguments against the claim rejections discussed above.

The Examiner stated that all the limitations are met by *Flannery* and *Rawlins* except for the limitation of encryption and that the limitation of encryption is met by *Lemay* in Paragraphs 58 and 59. The Examiner stated that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the encryption as taught by *Lemay* with the teachings of *Flannery* and *Rawlins* to prevent deciphering of confidential information by an intruder. (March 24, 2005 Office Action, Page 11, Lines 15-17).

The Applicants respectfully traverse these assertions of the Examiner. For the reasons previously set forth, the Applicants respectfully traverse that all of the limitations are met by *Flannery* and *Rawlins* except for the limitation of encryption. The Applicants have already identified and discussed the deficiencies of the *Rawlins* reference and the *Flannery* reference. These deficiencies are not corrected or supplied by any elements within the *Lemay* reference.

With respect to the Examiner's arguments against Claims 16-18, the Applicants have previously addressed and respectfully traversed the Examiner's assertions concerning the elements of the *Rawlins* reference and the *Flannery* reference. The Applicants hereby repeat and reassert those arguments specifically against the rejection of Claims 16-18.

Further, the supposed motivation to "prevent deciphering of confidential information by an intruder" is very general and does not specifically suggest combining the teachings of the *Lemay* reference with the teachings of the *Flannery* reference and the *Rawlins* reference. There must be some suggestion or motivation, either in the references themselves, or in the knowledge

generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. The desire to prevent “deciphering of confidential information” is too general and vague to provide the legally requisite motivation to modify a reference or to combine reference teachings.

Even if the combination of the *Rawlins* reference and the *Flannery* reference could somehow be combined with the *Lemay* reference, the combination would not teach, suggest, or even hint at the Applicants’ invention as set forth in Claims 16-18. MPEP § 2142 indicates that a prior art reference (or references when two or more references are combined) must teach or suggest all the claim limitations of the invention. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not be based on an applicant’s disclosure. In the present case, the *Rawlins* reference and the *Flannery* reference and the *Lemay* reference in combination would not teach or suggest all the claim limitations of the Applicants’ invention. Therefore, the Applicants respectfully submit that the rejection of Claims 16-18 under 35 U.S.C. § 103(a) has been overcome.

The Applicants respectfully submit that Claims 2-20, as amended, are in condition for allowance. Allowance of Claims 2-20, as amended, is respectfully requested.

**DOCKET NO. P04949 (NATI15-04949)**  
**U.S. SERIAL NO. 09/862,986**  
**PATENT**

The Applicants' attorney has made the amendments and arguments set forth above in order to place this Application in condition for allowance. In the alternative, the Applicants' attorney has made the amendments and arguments to properly frame the issues for appeal. In this Amendment, the Applicants make no admission concerning any now moot rejection or objection, and affirmatively deny any position, statement or averment of the Examiner that was not specifically addressed herein.

SUMMARY

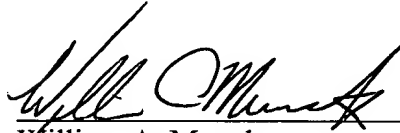
The Commissioner is hereby authorized to charge any fees connected with this communication (including any extension of time fee) or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: 6/23/05

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